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09/967,244	09/28/2001	Timo Vitikainen	NOKM.013PA	6582

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EXAMINER
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VU, THONG H

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/967,244

Applicant(s)

VITIKAINEN ET AL.

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

PD

1. Claims 1-59 and new claims 60-63 are pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-59 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 112***

3. Regarding claim 55, the word "means" is preceded by the word(s) "accessing, generating, transmitting" in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-15,31-42,55-59,61 are rejected under 35 U.S.C. § 102(e) as being unpatentable over Hurtado et al [Hurtado, 6,611,812 B2].

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5. As per claim 1, Hurtado discloses a method of dynamically creating a sample of multimedia content for preview by a user of a mobile terminal [Hurtado, preview metadata, product samples, col 2 line 37-col 3 line 33]:

providing a first set of parameters associated with a size of a preview sample of the multimedia content [Hurtado, parameters and size, sample clip, col 63 line 55-col 65 line 45]; and

providing a second set of parameters associated with composition of the preview sample [Hurtado, parameters and composition, sample clip, col 63 line 55-col 65 line 45];

dynamically extracting the preview sample from the multimedia content using the respective first and second parameter sets [Hurtado, automatic extract, col 62 lines 12-27];

generating a mobile terminal specific preview sample of the multimedia content using the extracted preview sample for transmission to a specific mobile terminal [Hurtado, Internet and wireless, col 9 lines 36-45; filtering multimedia, col 11 lines 18-32; extract metadata, col 12 lines 8-42; extracting to preview, col 52 lines 5-15];

6. As per claim 2, Hurtado discloses the first set of parameters comprises one of a maximum downloading time parameter or a maximum downloading cost parameter, and the second set of parameters comprises at least one composition rule associated with a composition of the preview sample of the multimedia content [Hurtado, maximum capacity, download time, col 71 lines 49-65].

7. As per claim 3, Hurtado discloses the first set of parameters comprises a bit rate value associated with transmission of the extracted preview sample to the specific mobile terminal, and the second set of parameters comprises a parameter indicative of a multimedia capability of the specific mobile terminal [Hurtado, bit rate, col 56 line 54-col 57 col 28].

8. As per claim 4, Hurtado discloses the bit rate value defines an actual transmission bit rate value or an estimated transmission bit rate value [Hurtado, bit rate, col 56 line 54-col 57 col 28].

9. As per claim 5, Hurtado discloses the first set of parameters comprises a bit rate value associated with transmission of the extracted preview sample to the specific mobile terminal [Hurtado, bit rate, col 56 line 54-col 57 col 28], and the second set of parameters comprises at least one composition rule associated with a composition of the preview sample of the multimedia content [Hurtado, parameters and composition, sample clip, col 63 line 55-col 65 line 45].

10. As per claim 6, Hurtado discloses the first set of parameters comprises one of a maximum downloading time parameter or a maximum downloading cost parameter, and the second set of parameters comprises a parameter indicative of a multimedia

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capability of the specific mobile terminal [Hurtado, maximum capacity, download time, col 71 lines 49-65].

11. As per claim 7, Hurtado discloses the bit rate value defines an actual transmission bit rate value or an estimated transmission bit rate value [Hurtado, bit rate, col 56 line 54-col 57 col 28].

12. As per claim 8, Hurtado discloses a first parameter of the first parameter set comprises a maximum downloading time parameter or a maximum downloading cost parameter [Hurtado, maximum capacity, download time, col 71 lines 49-65];

a second parameter of the first parameter set comprises a bit rate value [Hurtado, bit rate, col 56 line 54-col 57 col 28];

a first parameter of the second parameter set defines one or more composition rules, an a second parameter of the second parameter set comprises a multimedia capability parameter associated with the specific mobile terminal [Hurtado, parameters, composition, col 63 line 55-col 65 line 45].

13. As per claim 9, Hurtado discloses at least one parameter of the first set of parameters is established by a provider of the multimedia content or a user of the specific mobile terminal, and at least one parameter of the second set of parameters is a network resource parameter [Hurtado, parameters, col 63 line 55-col 65 line 45].

14. As per claim 10, Hurtado discloses at least one parameter of the first set of parameters is a network resource parameter, and at least one parameter of the second set of parameters is established by a provider of the multimedia content [Hurtado, parameters, col 63 line 55-col 65 line 45].

15. As per claim 11, Hurtado discloses a first parameter of the first parameter set and a first parameter of the second parameter set are established by a provider of the multimedia content [Hurtado, provider, col 1 lines 57-65; set of parameters, col 3 line 40-col 4 line 42]; and a second parameter of the first parameter set and a second parameter of the second parameter set are network resource parameters [Hurtado, parameters, col 63 line 55-col 65 line 45].

16. As per claim 12, Hurtado discloses formatting the extracted preview sample to comply with a format usable by the specific mobile terminal [Hurtado, preview and format, col 76 line 57-col 77 line 2; col 83 lines 15-43].

17. As per claim 13, Hurtado discloses packaging the extracted preview sample to comply with a predetermined usage or distribution rule [Hurtado, restriction rules and comply, col 20 lines 24-col 21 line 67].

18. As per claim 14, Hurtado discloses extracting the preview sample having a particular length based on the respective first and second parameter sets [Hurtado, the total length of the file, col 57 lines 29-44; col 84 lines 18-39]

19. As per claim 15, Hurtado discloses extracting the preview sample defined between a starting index and an ending index of the multimedia content based on the respective first and a second parameter sets [Hurtado, index, col 78 lines 4-18].

20. Claims 31-42, 56-59 contain the similar limitations set forth of claims 1-15. Therefore, claims 31-42, 56-59 are rejected for the same rationale set forth in claims 1-15.

21. As per claim 61 Hurtado discloses A mobile terminal, comprising:  
an interface capable of communicating via a network with a server system that provides multimedia content [Hurtado, providers with multimedia, col 1 lines 57-65];  
a processor coupled to the interface [Hurtado, web server and preview tool, col 71 lines 1-25]; and  
a memory coupled to the processor, the memory having instructions that causes the processor to communicate a preview signal between the mobile terminal and the server system [Hurtado, Internet, web site, wireless and preview, col 9 lines 37-45; col 52 lines 5-27];



provide to the server system at least one set of parameters selected from a first set of parameters associated with a size of a preview sample of the multimedia content and a second set of parameters associated with composition of the preview sample [Hurtado, parameters and size, composition; sample clip, col 63 line 55-col 65 line 45];

receive a customized preview sample of the multimedia content for the mobile terminal that was dynamically generated at the server system using the at least one set of parameters [Hurtado, Automatic Metadata tool extract data, col 62 lines 12-27]; and

play the customized preview sample [Hurtado, customization, col 52 line 60-col 53 line 23; col 54 lines 17-27; col 81 lines 48-54; col 90 line 55-col 91 line 29 et seq.].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-30, 43-54, 60, 62, 63 are rejected under 35 U.S.C. § 103 as being unpatentable over Hurtado et al [Hurtado, 6,611,812 B2] in view of Kikinis [6,205,485 B1].

22. As per claim 16 Hurtado discloses a server system for dynamically creating a sample of multimedia content for preview by a user of a mobile terminal, comprising:

a multimedia content source that provides multimedia content [Hurtado, provider with multimedia, col 1 lines 57-65]; and

a manager module coupled to the profile database and multimedia content source [Hurtado, Workflow manager, col 51 line 63-col 53 line 62], the manager module accessing the (profile) database and a specific mobile terminal to obtain a first set of parameters associated with a size of a preview sample of the multimedia content and a second set of parameters associated with composition of the preview sample [Hurtado, set of parameters, col 3 line 40-col 4 line 42; parameters and size, sample clip, col 63 line 55-col 65 line 45], the manager module dynamically extracting the preview sample from the multimedia content using the respective first and second parameter sets, and generating a mobile terminal specific preview sample of the multimedia content using the extracted preview sample for transmission to the specific mobile terminal [Hurtado, Automatic Metadata tool extract data, col 62 lines 12-27].

Hurtado also discloses using database [Hurtado, database, col 12 lines 8-42]. However Hurtado does not detail

a **profile** database that stores one or both of mobile terminal profiles and user profiles;

In the same endeavor, Kikinis discloses a multimedia broadcast system which provides a preview multimedia data via wireless connection using filtered database based on user profiles [Kikinis, wireless connection, col 1 lines 43-53, Fig 1; preview, database, user profile, col 6 lines 22-40]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the technique of using profile database to provide the preview multimedia data as taught by Kikinis into Hurtado's apparatus in order to

utilize the network database. Doing so would provide a quick and simple process to verify the authorized users.

23. As per claim 43 Hurtado-Kikinis disclose a system for facilitating wireless previewing of multimedia content by a mobile terminal;

a **profile** database that stores one or both of mobile terminal profiles and user profiles [Kikinis, wireless connection, col 1 lines 43-53; preview, database, user profile, col 6 lines 22-40];

a multimedia content source that provides multimedia content [Hurtado, provider with multimedia, col 1 lines 57-65]; and

a manager module communicatively coupled to the profile database, multimedia content source, and mobile terminal, the manager module, in response to a preview signal communicated between the mobile terminal and the manager module, accessing the profile database and the mobile terminal to obtain a first set of parameters associated with a size of a preview sample of the multimedia content and a second set of parameters associated with composition of the preview sample [Hurtado, set of parameters, col 3 line 40-col 4 line 42; parameters and size, sample clip, col 63 line 55-col 65 line 45; Workflow manager, col 51 line 63-col 53 line 62], the manager module dynamically generating a customized preview sample of the multimedia content for the mobile terminal using the respective first and second parameter sets [Hurtado, Automatic Metadata tool extract data, col 62 lines 12-27], and transmitting the customized preview sample to the mobile terminal for playback by the mobile terminal

[Hurtado, customization, col 52 line 60-col 53 line 23; col 54 lines 17-27; col 81 lines 48-54; col 90 line 55-col 91 line 29 et seq.].

24. Claims 18-22, 44-54 contain the similar limitations set forth of claims 2-15.

Therefore, claims 18-22, 44-54 are rejected for the same rationale set forth in claims 2-15.

25. As per claim 60 Hurtado-Kikinis disclose A server, comprising:

an interface capable of communicating with a mobile terminal via a network

[Hurtado, Internet and wireless, col 9 lines 36-45];

a processor coupled to the interface [Hurtado, web server and preview tool, col 71 lines 1-25]; and

a memory coupled to the processor, the memory having a database interface that causes the processor to communicate with a **profile** database [Kikinis, wireless connection, col 1 lines 43-53; preview, database, user profile, col 6 lines 22-40]; and

a manager module that causes the processor to communicate a preview signal between the mobile terminal and the manager module [Hurtado, Workflow manager, col 51 line 63-col 53 line 62];

in response to the preview signal, access the **profile** database and the mobile terminal to obtain a first set of parameters associated with a size of a preview sample of the multimedia content and a second set of parameters associated with composition of the preview sample [Hurtado, set of parameters, col 3 line 40-col 4 line 42; parameters

and size, sample clip, col 63 line 55-col 65 line 45; Workflow manager, col 51 line 63-col 53 line 62];

dynamically generate a customized preview sample of the multimedia content for the mobile terminal using the respective first and second parameter sets [Hurtado, Automatic Metadata tool extract data, col 62 lines 12-27], and

transmit the customized preview sample to the mobile terminal for playback by the mobile terminal [Hurtado, customization, col 52 line 60-col 53 line 23; col 54 lines 17-27; col 81 lines 48-54; col 90 line 55-col 91 line 29 et seq.].

26. As per claim 62 Hurtado-Kikinis disclose A processor-readable medium having instructions stored thereon which are executable by a server capable of communicating with a mobile terminal via a network the instructions executable by the server for performing steps comprising:

communicating a preview signal between the mobile terminal and the server [Kikinis, wireless connection, col 1 lines 43-53; preview, database, user profile, col 6 lines 22-40];

in response to the preview signal, accessing a **profile** database and the mobile terminal to obtain a first set of parameters associated with a size of a preview sample of the multimedia content and a second set of parameters associated with composition of the preview sample [Hurtado, set of parameters, col 3 line 40-col 4 line 42; parameters and size, sample clip, col 63 line 55-col 65 line 45; Workflow manager, col 51 line 63-col 53 line 62];

dynamically generating a customized preview sample of the multimedia content for the mobile terminal using the respective first and second parameter sets [Hurtado, Automatic Metadata tool extract data, col 62 lines 12-27], and

transmitting the customized preview sample to the mobile terminal for playback by the mobile terminal [Hurtado, customization, col 52 line 60-col 53 line 23; col 54 lines 17-27; col 81 lines 48-54; col 90 line 55-col 91 line 29 et seq.].

27. As per claim 63 Hurtado-Kikinis disclose A processor-readable medium having instructions stored thereon which are executable by a mobile terminal capable of communicating with a server via a network, the instructions executable by the mobile terminal for performing steps comprising:

communicating a preview signal between the mobile terminal and the server [Kikinis, wireless connection, col 1 lines 43-53; preview, database, user profile, col 6 lines 22-40];

in response to the preview signal, accessing a **profile** database and the mobile terminal to obtain a first set of parameters associated with a size of a preview sample of the multimedia content and a second set of parameters associated with composition of the preview sample [Hurtado, set of parameters, col 3 line 40-col 4 line 42; parameters and size, sample clip, col 63 line 55-col 65 line 45; Workflow manager, col 51 line 63-col 53 line 62];dynamically generate a customized preview sample of the multimedia content for the mobile terminal using the respective first and second parameter sets [Hurtado, Automatic Metadata tool extract data, col 62 lines 12-27], and

transmit the customized preview sample to the mobile terminal for playback by the mobile terminal [Hurtado, customization, col 52 line 60-col 53 line 23; col 54 lines 17-27; col 81 lines 48-54; col 90 line 55-col 91 line 29 et seq.].

28. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-USP 6,026,371. Beck discloses a method and system for preview and customized web advertisement.

-USP 6,418,473 B1. Maurice discloses a channel for preview multimedia.

-USP 6,018,654. Valentine discloses a mobile network for preview music sample.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Rupal Dharia*, can be reached at (571) 272-3880. The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Thong Vu*  
**Patent Examiner**  
**Art Unit 2142**

